



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

AUG 14 1997

G. Lynn Sprague, Regional Forester
USDA Forest Service
Pacific Southwest Region
630 Sansome Street
San Francisco, CA 94111

Dear Mr. Sprague:

The Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for the **Canyons** project. EPA's review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

EPA has continuing concerns regarding certain road construction activities associated with the Canyons project. Although we recognize that 36 CFR 215.11(c) prohibits Federal agencies from appealing Forest Service decisions, we request that the Forest Service modify the Canyons Record of Decision to deal with EPA's concerns, as outlined below. To assist in the disposition of this request, we have endeavored to provide all of the information required under 36 CFR 215.14.

Requesting Party:	Federal Activities Office U.S. Environmental Protection Agency, Region IX 75 Hawthorne St. San Francisco, CA 94105 (415) 744-1571
Decision Document:	Canyons Record of Decision
Decision Date:	June 30, 1997
Responsible Official:	John H. Skinner, Forest Supervisor, Tahoe National Forest
Changes Sought:	Revise the Canyons FEIS/ROD to correctly identify the entire 1 mile of road construction proposed in T18N, R17E, Section 3 as "new construction" and disclose all impacts associated with maintaining this road as a permanent addition to the transportation system/OHV route network. -OR-

Modify the decision in the following manner: 1) eliminate this 1 mile of new road construction from the project plan; or 2) Limit construction to the .5 mile "temporary road" section (as shown on the transportation map provided with the FEIS), and obliterate this section following harvest activities.

Rationale:

In its Draft EIS comment letter dated May 30, 1997, EPA specifically addressed this proposed road construction. EPA's comments were as follows:

EPA is also concerned about the proposal to construct approximately 1 mile of road/trail for OHV recreation. Although EPA supports the Forest Service's plan to abandon/obliterate a 1 mile section of OHV road/trail which is negatively impacting a drainage area, we consider the .5 mile "relocated" and "temporary" sections to be "new construction" because these sections would become part of a permanent OHV trail network. In EPA's opinion, construction of new roads/trails in an analysis area currently experiencing road-related impacts is unwarranted. EPA urges the Forest Service to eliminate new road construction from the preferred alternative.

The Forest Service's response to EPA fails to address EPA's concerns regarding new road construction. Aside from the Forest Service's statement that the road is needed to access an area for vegetation management (a statement we reject--see below), the only justification given for the new construction is that the old OHV route (which is causing unacceptable resource impacts) is part of a designated OHV network. Under NEPA, it is necessary to analyze the potential environmental impacts of road construction--it does not suffice to state that a new road will replace a road which was previously approved. The Canyons EIS fails to analyze the impacts of constructing the new road, as required by NEPA, and as a result it does not support this aspect of the decision made in the Canyons ROD.

The Forest Service's response to WAFC/CWC comment #5 puts forth a similarly erroneous premise, stating that "the new road construction proposed is to correct resource damage occurring from an existing OHV loop located in a drainage." In EPA's view, the appropriate way to deal with resource damage is to close the road to OHV use, and obliterate it if feasible, rather than constructing a new road.

The Forest Service's response to EPA comment #3 states that the road is needed for vegetation management. However, our analysis of the Alternative 3 transportation system and harvest map indicates that only the "temporary road" section (approx .5 mile of the 1 mile total) is necessary for vegetation management.

The Forest Service's response to EPA comment #2 states that "all temporary roads constructed under this proposal will be obliterated." EPA believes that this statement is inaccurate, because the .5 mile "temporary road" section will remain as part of the transportation system/OHV route network following project completion. EPA recommends that this .5 mile "temporary" section be closed or obliterated after use, consistent with its designation as a "temporary road" on the Alternative 3 transportation system and harvest map, and the Forest Service's response to EPA comment #2.

Furthermore, the FEIS is internally inconsistent with regard to this road construction. Page 2-28 of the FEIS states that .5 miles of new construction will take place, while Page 3-82 of the FEIS states "this alternative proposes no new roads." Although the latter statement was made in reference to Alternative 2, which was not selected, it was not corrected in the discussion of Alternative 3, which incorporates much of the Alternative 2 impact analysis by reference.

In light of these issues, EPA believes that the decision made in the Canyons ROD is not fully supported by the NEPA analysis conducted in the Canyons EIS. The Forest Service has not provided a sufficient purpose and need statement for the proposed new segment of OHV trail, and has not disclosed the environmental impacts associated with this construction.

We appreciate the opportunity to review this FEIS, and your consideration of this request. Please direct any questions to Leonidas Payne, Federal Activities Office, at (415) 744-1571.

Sincerely,



David Farrel, Chief
Federal Activities Office

cc:

John Skinner, Forest Supervisor, Tahoe National Forest